IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TRINA J. BOWEN, :

Plaintiff :

: No. 1:19-cv-00017

v. :

(Judge Kane)

NATIONWIDE MUTUAL :

INSURANCE COMPANY and : BENEFITS ADMINISTRATIVE :

COMMITTEE, PLAN
ADMINISTRATOR OF
NATIONWIDE-SPONSORED

HEALTH AND WELFARE : EMPLOYEE BENEFITS PLAN, :

Defendants

ORDER

AND NOW, on this 16th day of September 2019, upon consideration of Defendants Nationwide Mutual Insurance Company ("Nationwide") and Benefits Administrative Committee, Plan Administrator of Nationwide-Sponsored Health and Welfare Employee Benefits Plan ("BAC")'s Motion to Dismiss Count II of Plaintiff Trina J. Bowen ("Plaintiff")'s Amended Complaint (Doc. No. 9), and in accordance with the Memorandum entered concurrently with this Order, IT IS ORDERED THAT:

- 1. Defendants' Motion to Dismiss Count II of Plaintiff's Amended Complaint (Doc. No. 9) is **DENIED**; and
- 2. The Court will schedule a case management conference in this matter after Defendants answer the Amended Complaint.

s/ Yvette Kane

Yvette Kane, District Judge United States District Court Middle District of Pennsylvania